

**MINUTES OF THE PUBLIC HEARING HELD BEFORE THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
DECEMBER 17, 2008**

A public hearing was held on Wednesday, December 17, 2008, in the Council Chambers of City Hall, 610 Main Street, Jasper, Indiana.

Call to Order. Presiding Officer Mayor William J. Schmitt called the public hearing to order at 6:50 p.m.

Roll Call.

Mayor William J. Schmitt	Present
Council members:	
John Schroeder	Present
David Prechtel	Present arrived at 6:58 p.m.
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Kevin Manley	Absent
Randall Buchta	Present
Raymond Howard	Present
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the hearing, a majority of the council members must be in attendance. Five of the seven members were in attendance at the call of the roll; therefore, there was a quorum for the hearing.

Pledge. Mayor Schmitt invited all those present to join him in reciting the Pledge of Allegiance.

Purpose. Mayor Schmitt said the purpose of the hearing was to receive public input concerning the petition of James A. Eads and Rhonda J. Eads to vacate 20 ft. of a 50 ft. public utility and drainage easement in Lot 81 in Green Meadow Estates Seventh Addition.

A Notice regarding the hearing appeared in the Herald on December 1, 2008. A Notice was also posted at city hall and faxed to the news media.

Phil Buehler, from Brosmer Land Surveying, came before the Board on behalf of Jim Eads to request the vacation of the north 20 feet of an existing 50 ft public utility and drainage easement on Lot #81 in Green Meadow Estates Seventh Addition. The original 50 ft easement was put in place to put a retention basin and dam in for drainage in the Green Meadows Seventh Addition. The current drainage plan has been revised and has since removed the dam and now has the water draining out of the Green Meadows subdivision through swales and rip rap and down to a larger retention basin in Diamond Ridge. The Storm Water Management Board approved the amendment to the drainage plan. Since the entire 50 ft easement is no longer needed, Eads is requesting the vacation of 20 feet of this easement in order to construct a pool and pool house on his property. The only Jasper utility in this easement is sanitary sewer. According to Wastewater Manager Ed Hollinden's comments, he has no problem with the partial vacation of this easement because the sewer is located approximately in the center of the proposed remaining thirty feet which would still give them plenty of room to make any necessary repairs.

Mayor Schmitt then asked for public comments and if there were any remonstrators present.

Referring to the paper that contains comments from certain department heads concerning the vacation request, Council member Thomas Schmidt asked about the comment that said “It should be noted that this area currently does not drain and has standing water”. Street Commissioner Raymond Eckerle who was at the meeting said he is the one who wrote that comment. He said he made the comment because he wanted it noted that if the water bothers the other homeowners, the City is not responsible because it is in the covenants that the landowners are responsible for maintaining the rip-rap and swale.

Note: Council member David Prechtel arrived.

City Attorney Sandra Hemmerlein said the Storm Water Management Board approved the amendment to the drainage plan subject to all parties signing the agreement to amend the drainage plans. The agreement shows the drainage design and contains a statement that the property owners understand that they will be responsible for the ongoing maintenance of the rip rap and drainage swales.

Mayor Schmitt then asked if there were any other comments. No other comments were received.

Thereafter, a **motion** was made by Council member Ambrose ‘Butch’ Schitter and seconded by Councilmember Randy Buchta to close the public hearing. The motion carried 6-0 and the hearing closed at 7:05 p.m.

The minutes were hereby approved _____ with X without corrections or clarification this 21st day of January, 2009.

Mayor William J. Schmitt
Presiding Officer

Attest:

Juanita S. Boehm, Clerk-Treasurer

Margaret A. Kress, Recording Secretary